

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANNE SOKOLOFF, et al

v.

FEDEX CORPORATION, et al

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JURY TRIAL DEMANDED

No. 2:17-cv-00172-MAK

**DEFENDANTS FEDEX CORPORATION AND MATTHEW J. LIEBLANG’S
MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO COMPEL**

Plaintiffs Anne and Harvey Sokoloff filed this lawsuit against defendants FedEx Corporation, Matthew J. Lieblang, and Liberty Mutual Corporation alleging damages arising from a motor vehicle accident between a vehicle driven by Mrs. Sokoloff and a FedEx Freight tractor-trailer. In addition to damages associated with Mrs. Sokoloff’s injuries, Mr. Sokoloff seeks damages for loss of consortium.

In order to further investigate plaintiffs’ claims, defendants served Interrogatories to Mrs. Sokoloff, Interrogatories to Mr. Sokoloff, and Request for Production of Documents to both plaintiffs, on January 24, 2017. On March 30, 2017, defendants wrote to plaintiffs requesting responses to these discovery requests within ten days as such responses were overdue. On April 11, 2017, defendants received responses to Interrogatories from Mrs. Sokoloff. On April 12, 2017, defendants sent a second letter to plaintiffs requesting the outstanding Interrogatory responses from Mr. Sokoloff and to the Request for Production of Documents. To date, defendants have not received responses to Interrogatories from Mr. Sokoloff or responses to the Request for Production of Documents.

Rule 33 of the Federal Rules of Civil Procedure requires a party to “serve its answers and any objections within 30 days after being served with the interrogatories.” Fed. R. Civ. P. 33(b)(2). Similarly, Rule 34 requires a party to respond to request for production of documents

“in writing within 30 days after being served.” Fed. R. Civ. P. 34(b)(2). A party may seek a court order compelling responses to its discovery requests if a party fails to answer an interrogatory under Rule 33 and/or fails to produce documents under Rule 34. Fed. R. Civ. P. 37(a)(3)(B).

As noted above, defendants served their Interrogatories and Request for Production of Documents on plaintiffs on January 24, 2017. Therefore, pursuant to the Federal Rules of Civil Procedure, plaintiffs’ responses to the Interrogatories and Request for Production of Documents are overdue.

Defendants attempted twice in good faith to resolve this without the Court’s intervention but have been unable to do so. Plaintiffs’ failure to provide timely responses to defendants’ discovery requests has hindered defendants’ ability to prepare its defense, especially with regard to Mr. Sokoloff’s loss of consortium claim.

WHEREFORE, defendants, FedEx Corporation and Matthew J. Lieblang, respectfully request this Honorable Court grant its Motion to Compel and enter the attached order.

**WEBER GALLAGHER SIMPSON
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Date: April 26, 2017